



**VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN**

**ORDINANCE NO. 20-016**

**AN ORDINANCE TO AMEND SECTION 94.11 WITHIN CHAPTER 94 OF THE  
MUNICIPAL CODE, AFFECTING LANDSCAPING STANDARDS**

WHEREAS, the Village of Weston is authorized to prepare, amend and adopt a zoning ordinance under Wis. Stats. §§ 62.23 and 61.35; and

WHEREAS, the Village recreated Chapter 94 in March 2015 to serve as the Village's zoning ordinance and the Village's extraterritorial zoning ordinance for the portions of the Town of Weston defined as the extraterritorial zoning area; and

WHEREAS, the Village has determined that current landscaping requirements in the commercial and industrial zoning districts were overly burdensome; and

WHEREAS, the Joint Town and Village of Weston Extraterritorial Zoning Committee and the Village Plan Commission held a joint public hearing on this ordinance, on December 14, 2020, in compliance with Wis. Stat. § 62.23; and

WHEREAS, following such hearing, the Village Plan Commission has recommended enactment of the zoning ordinance amendments contained herein for applicability within the Village limits; and

WHEREAS, following such hearing, the Joint Town and Village of Weston Extraterritorial Zoning Committee has recommended enactment of the zoning ordinance amendments contained herein for applicability within the extraterritorial zoning area; and

WHEREAS, following such hearing the Village Board considered public comments and the recommendations of said Commission and Committee; and

WHEREAS, the Village Board finds the proposed amendments contained herein are reasonable, consistent with the Village Comprehensive Plan, and in the public interest.

NOW, THEREFORE, the Village Board of Weston, Marathon County, Wisconsin, does ordain as follows:

SECTION 1: Section 94.11 of the Village of Weston Municipal Code is hereby amended to provide as follows:

**Section 94.11.01 Purpose**

The purpose of this Section is to establish landscaping requirements to provide and maintain

vegetation in a manner that promotes the Village's natural resource protection, aesthetic, and public health goals.

#### **Section 94.11.02: Landscaping Requirements**

- (1) **Applicability.** Except as exempted elsewhere in this Chapter, any use for which site plan approval is required under Section 94.3.03(10) shall provide landscaping in accordance with the requirements of this Section, including expansion, renovation, and redevelopment of existing buildings and sites. Where the predecessor zoning ordinance, or a Village zoning decision under that ordinance, required landscaping which has not been satisfactorily installed or maintained, the property owner shall be required to install or restore such landscaping. Where the appropriate site plan approval authority under Section 94.16.09 determines that full compliance with the requirements of this Section is impractical, the approval authority may require compliance to the extent it determines practical. Such a determination of "impracticality" may be based on one or more of the following conditions:
- (a) Preexisting buildings or impervious services, and/or insufficient lot area, do not provide sufficient green space for full compliance.
  - (b) Village stormwater management or easement requirements do not provide sufficient area for full compliance.
  - (c) A redevelopment project would otherwise be infeasible, based on financial information provided by the applicant.
  - (d) Full compliance would result in a plan in which landscaping would, by maturity, interfere with or compete with one another for survival and may therefore require removal at a later date.
  - (e) Where a proposed expansion, plus any other expansions in the previous five years, does not exceed 50% of the building or hard surfaced area before such expansion(s).

[Amended via Ord. 19-001; 1/23/2019]

- (2) **Required Landscape Plan and Preparer Qualifications.** All proposed landscape plantings to be located on the subject property shall be depicted on a landscape plan as to their location, type, and size at time of planting and maturity. All landscape plans required under this Article shall be prepared in accordance with landscaping best practices and by a licensed landscape architect, certified landscape designer, or another professional or individual skilled in landscape design. The Zoning Administrator shall have the right to reject any landscape plan that does not follow best practices and/or is not prepared by a person with such credentials or skills.

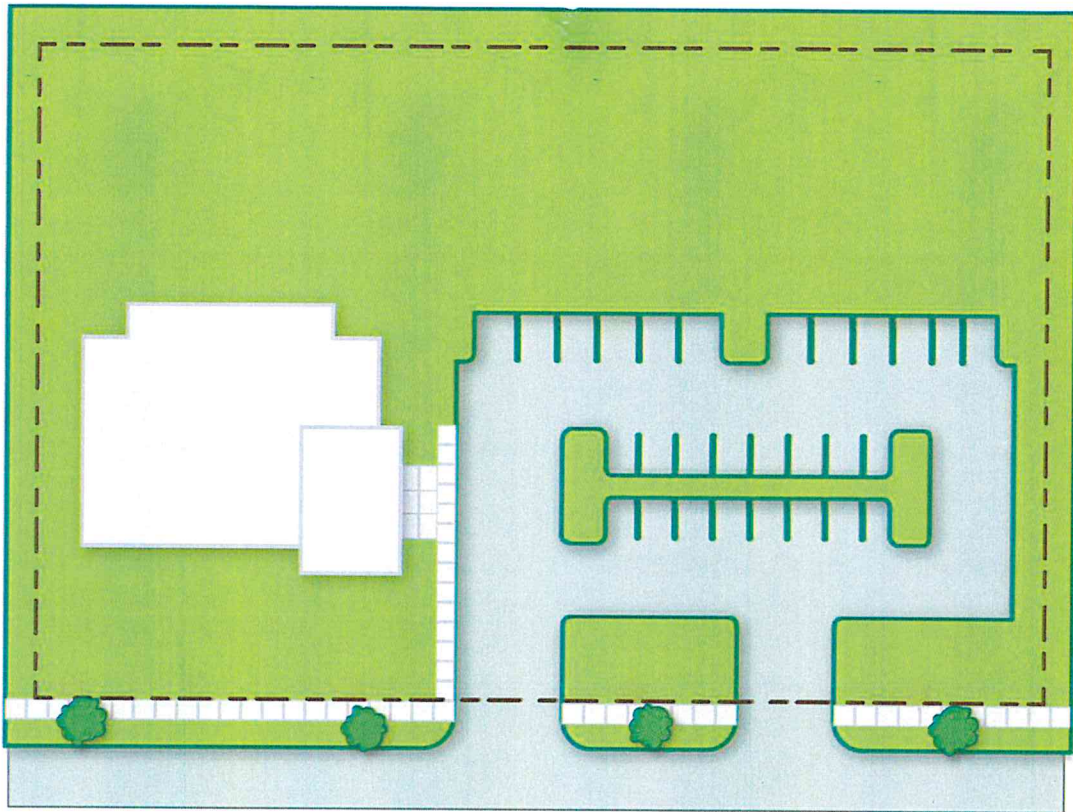
[Amended via Ord. 19-001; 1/23/2019]

- (3) **Landscape Planting Requirements.** Landscaping shall be provided based on the following requirements for street frontages, hard or gravel surfaced areas, building foundations, bufferyards (where applicable), and general yard areas. These requirements are additive to each other and any other landscaping or screening requirements in this Chapter. By approval of the applicable site plan approval authority, required landscaping points may be shifted

between areas (e.g., hard surfaced areas to building foundations). The landscaping point system is described in greater detail in subsection (4), below.

- (a) Street Frontages. Street trees shall be planted in accordance with the following standards (see also example in Figure 11.02(1)):
1. The total number of street trees shall be equal to or exceed the ratio of one for each 100 feet of street frontage, minus widths of proposed or existing driveways.
  2. Street trees shall be planted no closer than ten feet from intersecting driveways, regulatory and wayfinding signs, fire hydrants, and other above-ground utility fixtures; no closer than 20 feet from the corner of two streets as measured from the intersection of their right-of-way lines; and so as to not conflict with underground utilities or traffic visibility.
  3. Such trees shall generally be planted in the street right-of-way, midway between the curb or street edge and a current or future sidewalk except where the Zoning Administrator approves a different placement. When conditions are such that the Zoning Administrator determines that the required spacing cannot be satisfied in the right-of-way, or the right-of-way is not wide enough to support tree growth, street trees under this subsection shall instead be planted within the first ten feet of the private property adjacent to the street right-of-way.
  4. The unpaved portion of a public right-of-way abutting a parcel shall be sodded with a salt tolerant grass equivalent to a mixture containing 30 percent alkali grass.
  5. Tree or shrub planting in any public right-of-way or on any public land in the Village shall be governed by Chapter 90 of the Code.

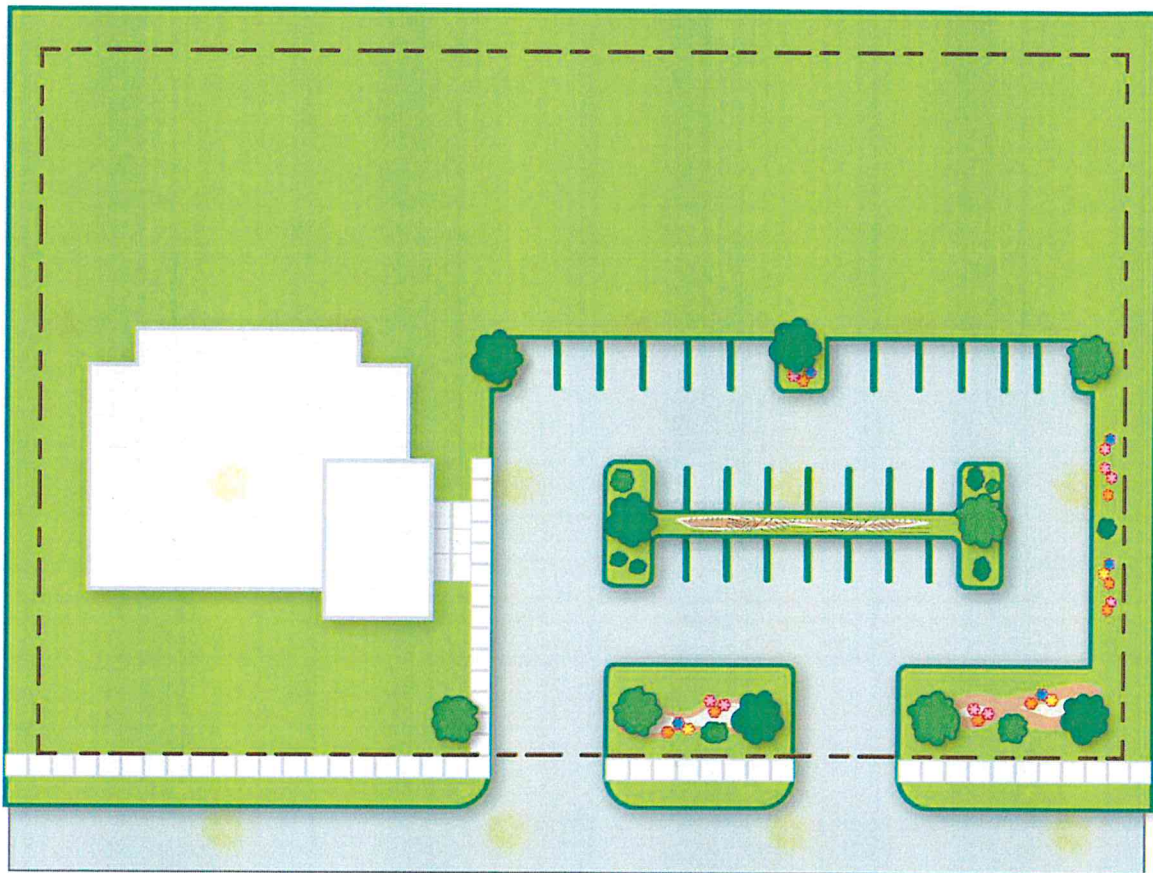
**Figure 11.02(1): Street Frontage Landscaping Example**





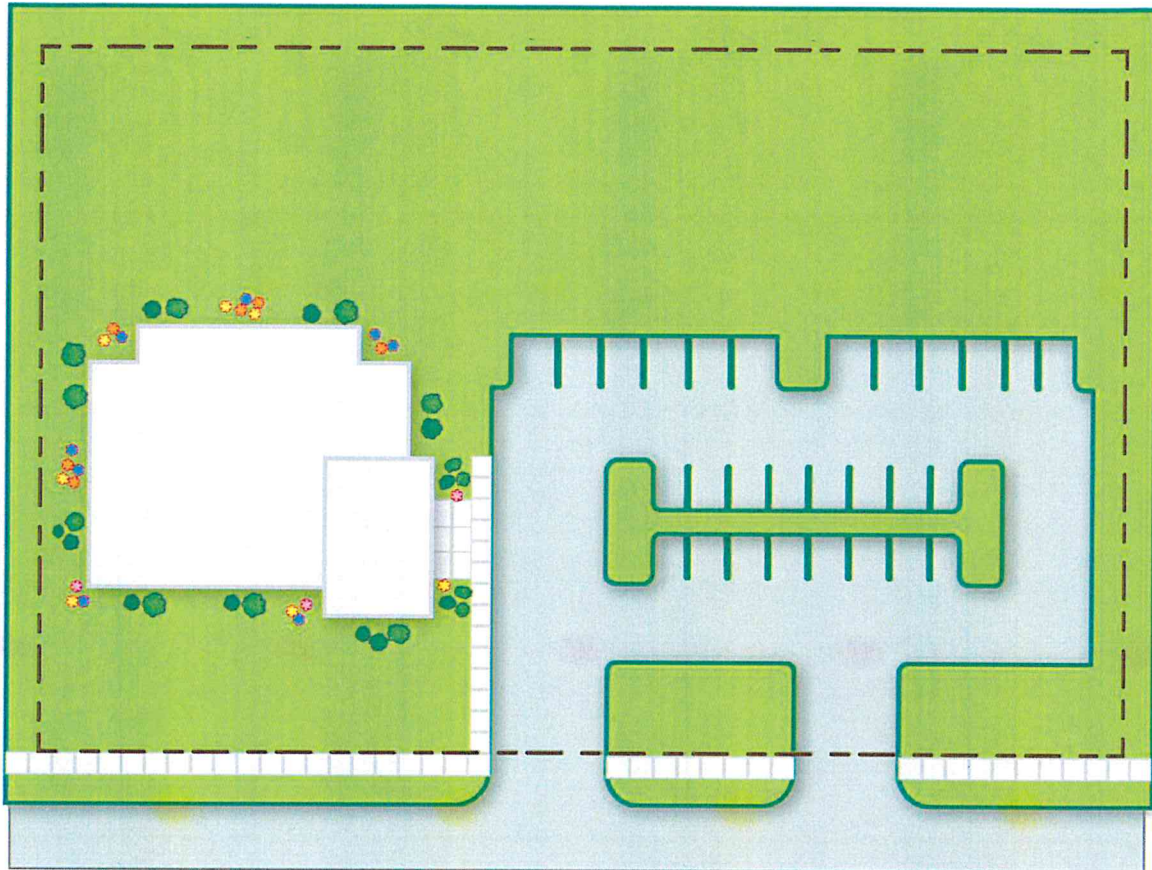
- (b) Hard and Gravel Surfaced Areas. Within industrial zoning districts, 100 points of landscaping shall be planted for each 3,500 square feet of hard and gravel surfaced area, not including rooftops. Within all other zoning districts, 100 points of landscaping shall be planted for each 1,500 square feet of hard or gravel surfaced area, not including rooftops. Plants required under this subsection shall be installed within landscaped islands within the hard or gravel surfaced area or within 15 feet of its edges, and shall include large deciduous trees unless otherwise approved by the appropriate site plan approval authority. See example in Figure 11.02(2).

**Figure 11.02(2): Hard or Gravel Surfaced Area Landscaping Example Assuming Mature Planting Sizes**



- (c) Building Foundations. Within industrial zoning districts, 100 points of landscaping shall be planted for each 50 lineal feet of exterior building wall that is visible from a public right-of-way or residentially zoned property. Within all other zoning districts, 100 points of landscaping shall be planted for each 75 lineal feet of exterior building wall. Plants required under this subsection must be installed within 20 feet of the building foundation, and shall not include large deciduous shade trees. See example in Figure 11.02(3).

**Figure 11.02(3): Building Foundation Landscaping Example Assuming Mature Planting Sizes**



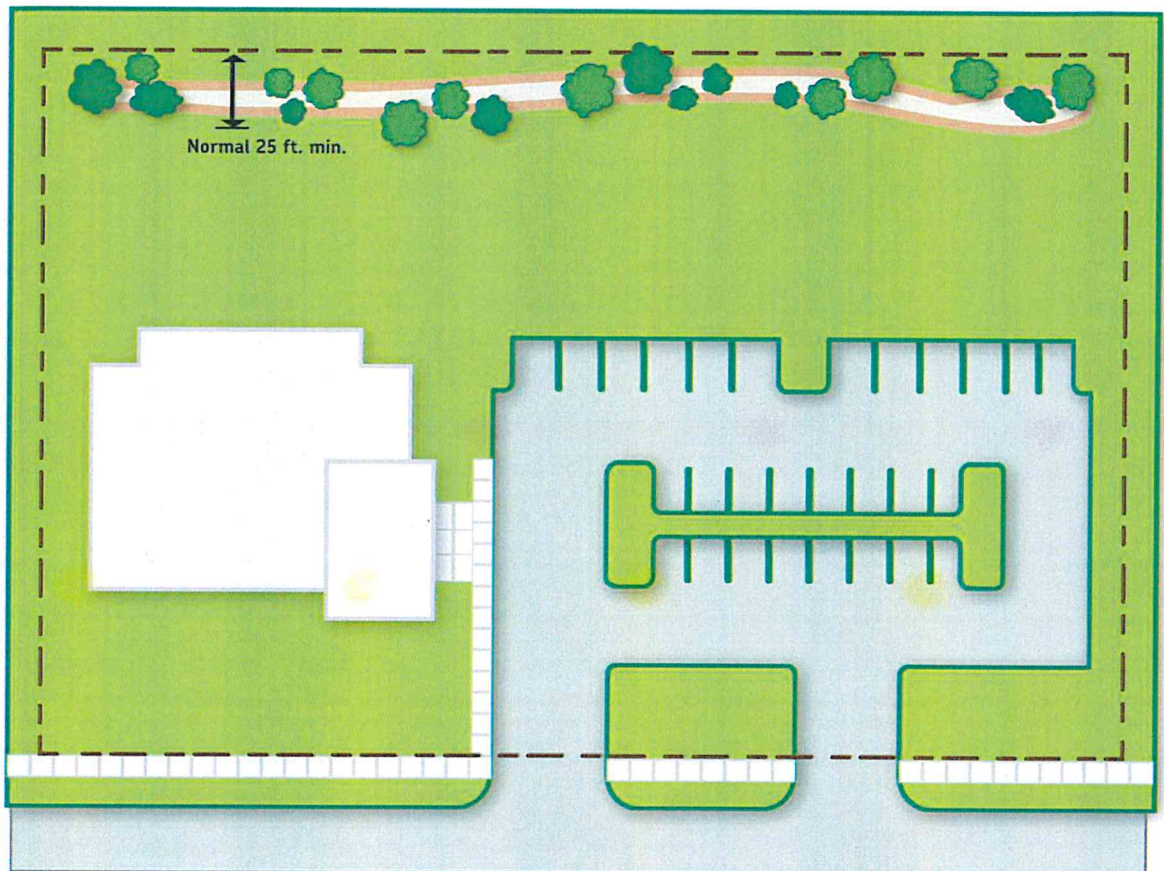
- (d) Bufferyards. A bufferyard is a landscaped area, berm, fence, and/or wall that results in a reduction of visual and other interaction with an adjoining property. A bufferyard shall be provided if required for a particular land use listed in Article 4, and where otherwise required via site plan approval under Section 94.16.09. Where required, bufferyards shall comply with the following.
1. The minimum width of a bufferyard shall be 25 feet, unless reduced by the site plan approval authority if it determines that a lesser width is adequate to separate incompatible uses/activities or is necessary owing to site constraints beyond the control of the owner.
  2. No building, parking lot, loading area, motor vehicle circulation area, trash storage area, or outdoor storage area shall be permitted in a required bufferyard.
  3. Landscaping within bufferyards shall be selected, positioned, and planted in sufficient quantities to provide an all-season screen within five years of planting and have a minimum height of three feet at time of planting. See example in Figure 11.02(4).



Such landscaping shall not count towards any other frontage, hard or gravel surfaced area, building foundation, or general yard area planting requirement of this Article.

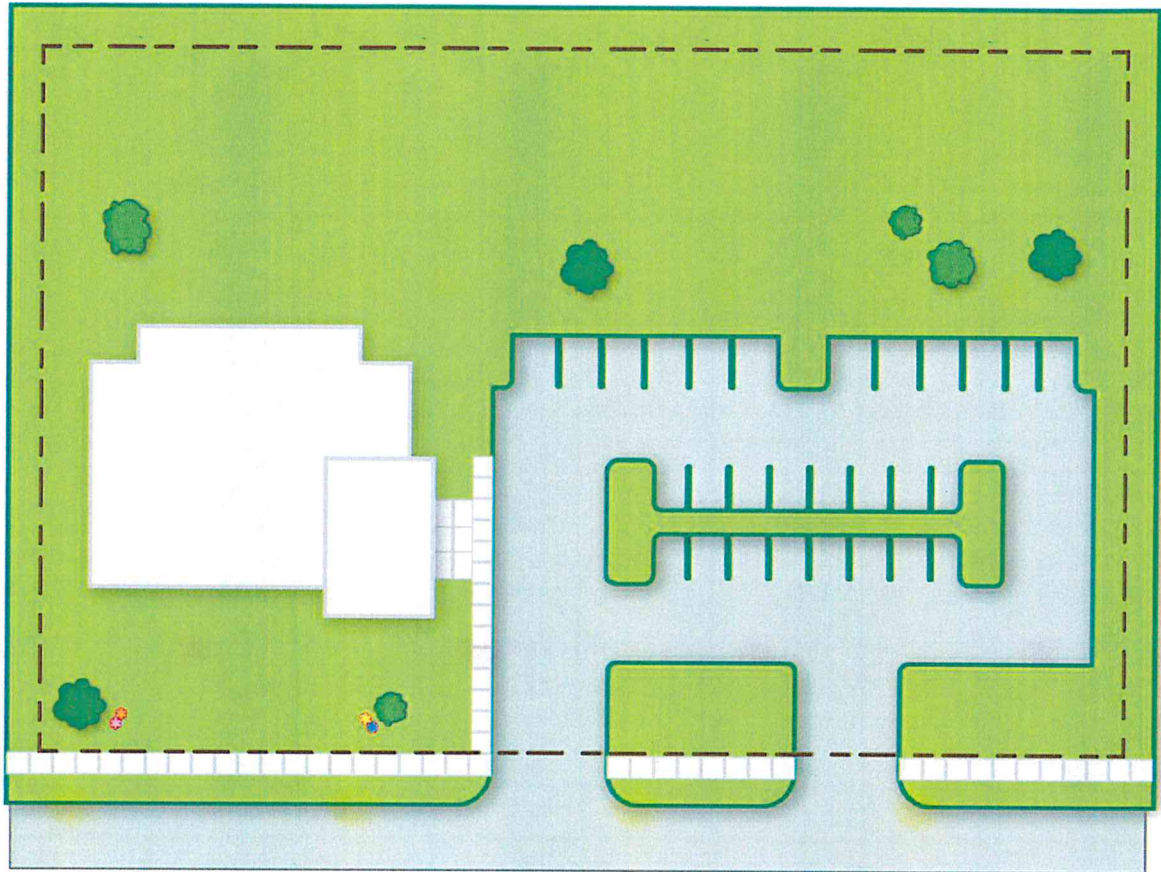
4. The use of a decorative opaque fence or wall, and/or a berm, in lieu of or in addition to the landscaping may be approved by the site plan approval authority, provided the slope of any berm is less than 4:1; the berm, fence or wall does not interfere with access, utilities, or stormwater management.

**Figure 11.02(4): Bufferyard Landscaping Example Assuming Mature Planting Sizes**



- (e) General Yard Areas. Within industrial zoning districts, 100 points of landscaping shall be planted for each 5,000 square feet of total lot area, excluding those areas under a rooftop, hard or gravel surfaced area, required bufferyard, or being reserved for a future phase of development. Within all other zoning districts, 100 points of landscaping shall be planted for each 3,500 square feet of total lot area, excluding those areas under a rooftop, hard or gravel surfaced area, required bufferyard, or being reserved for a future phase of development. Landscaping required by this standard shall be placed where appropriate on the site to maximize visual impact of landscaping, such as in a front or street side yard or adjacent to other uses.

**Figure 11.02(5): General Yard Area Landscaping Example Assuming Mature Planting Sizes**





**Figure 11.02(6): “Complete Picture” Landscaping Example Assuming Mature Planting Sizes (bufferyard will not be required in most cases)**



- (f) **Other Green Space Areas.** Green space areas not used for landscape plantings, other than natural resource protection areas, shall be graded and sodded or seeded with a maintainable seed mix. Organic or natural mulch of plantings or planting beds is acceptable, but shall be installed so it does not erode, fall, be plowed, or otherwise transported into walks, drives, streets, or other hard-surfaced portions of the site.
- (4) **Landscaping Points and Minimum Installation Sizes.** Most of the above landscaping requirements are expressed in terms of landscape points. Each plant type, below, is worth a certain number of landscape points that can be used to fulfill the landscaping requirements. Minimum permitted installation sizes for each plant category are provided to ensure that landscaping provides its aesthetic and screening functions at the time of installation and to improve survival rates. The schedule of landscaping points and minimum permitted installation sizes is as presented in Figure 11.02(7).

**Figure 11.02(7): Landscaping Points, Minimum Installation Size, Examples of Appropriate Species**

Plant Category	Expected Mature Height	Minimum Permitted Installation Size	Landscape Points per Plant	Examples of Appropriate Species <sup>1</sup> (see Notes)
Large Deciduous Tree	Greater than 25 feet	2 inch diameter (1½ inch for street trees)	125	Oak <sup>2</sup> , Honeylocust, Gingko (male) <sup>2</sup> , Yellowwood, Hackberry <sup>2</sup> , Basswood or Linden <sup>2</sup> , Larch, Disease resistant Elm, Kentucky Coffeetree, Freemand or Sugar Maple <sup>2</sup> , London Planetree,
Small Deciduous Tree	25 feet or less	1½ inch diameter or 8 feet tall minimum	60	Birch, Serviceberry, Hawthorn, MN Redbud <sup>3</sup> , Callery Pear, Flowering Crab, Ironwood, Japanese Tree Lilac, Hornbeam/Hophornbeam <sup>3</sup> , Amur Corktree, Pagoda Dogwood <sup>3</sup> , Winter King Hawthorne <sup>3</sup> , Korean Mountain ash, Ornamental Crabapple (persistent or sterile) <sup>3</sup> , Newport Plum <sup>3</sup> , Scarlet Hawthorne <sup>2</sup>
Evergreen Tree	Usually greater than 10 feet	4 feet tall	50	Spruce, Hemlock, Cedar, Fir, Pine
Large Shrub (Deciduous or Evergreen)	Usually between 4 and 10 feet	2 feet in height or 2 gallon pot	20	Serviceberry, Dogwood, Euonymus, Sumac, Lilac, Viburnum, Hedge Cotoneaster, Forsythia, Yew, Hazelnut, Ninebark, Arborvitae,
Small Shrub (Deciduous or evergreen)	Usually 4 feet or less	1 foot in height or 1 gallon pot	10	Gro-low Sumac, Weigela, Barberry, Hydrangea, Dwarf-Bush Honeysuckle, Potentilla, Rose, Juniper, Dwarf Ninebark, Azalea, Rhododendron, Spirea
Annual/Perennial Bed (including rain gardens and vegetative roofs)	Varies	Varies	1 point per square foot of bed, up to a maximum of 500 points per lot	Black-eyed Susan, Catmint, Coneflower, Lily, Daylily, Hosta, Ornamental grasses, Lady's Mantle, Columbine, Aster, Astilbe, Indigo, Brunnera, Cimicifuga, Liatris, Peony, Pachysandra,



				Sedum, others that are native to the region
Landscaped berm	Minimum of 3 feet	Minimum of 3 feet	1 point per lineal foot of berm, up to a maximum of 150 points per lot	Must be deliberately designed and contoured to provide a screen or buffer to adjoining properties
Natural Landscape Boulders		8 cubic feet	10 points per boulder, up to a maximum of 200 points per lot	Granite, Limestone, Sandstone, Marble <sup>4</sup>

Notes:

<sup>1</sup> Species listed are examples only. Other species such as non-invasive (not aggressive spreaders) and native plant species are also encouraged, except for those prohibited species listed below. Consider salt and snow tolerance when making plant selections.

<sup>2</sup> Appropriate trees in street terrace area, where no overhead power lines are present. Shall be balled and burlapped at time of installation.

<sup>3</sup> Appropriate trees in street terrace area, where overhead power lines are present. Shall be balled and burlapped.

<sup>4</sup> Other proposed landscape features, such as sculpture, fountains, or outdoor seating or recreational aesthetically pleasing facilities, with landscaping points afforded by the site plan approval authority based generally on the cost of such feature relative to landscaping planting costs.

**(5) Prohibited and Discouraged Species.**

(a) The following species are prohibited in the public right-of-way, within 10 feet of any lot line or parking lot perimeter, and in parking lot islands:

1. Ailanthus (Tree of Heaven).
2. American Elm, and any other species of elm not resistant to Dutch Elm Disease
3. Ash (all varieties, until threat of emerald ash borer is eliminated)
4. Buckthorn (common or glossy)
5. Black Locust
6. Box Elder
7. Catalpa
8. Cottonwood (except along water edges)
9. European White Birch
10. Fruit-bearing Trees (excluding crabapples)
11. Honeysuckle
12. Lombard Poplar
13. Mulberry
14. Red Maple
15. Russian Olive
16. Siberian Elm
17. Silver Maple



- 18. Walnut
  - 19. Willow (except along water edges).
  - 20. Other weak-wooded tree species or species that deposit a significant number of twigs, seed pods, fruits, nuts, and/or other debris, as determined by the Zoning Administrator.
- (b) Evergreen trees are prohibited within the public right-of-way.
- (6) **Existing Plant Materials.** A reasonable attempt shall be made to preserve as many existing trees as is practicable and to incorporate them into the landscape plan, including techniques for preservation. In instances where healthy plant materials of acceptable species, as determined by the Village, exist on a site prior to its development, the application of the standards in this section may be adjusted by the Village to allow credit for such material, provided that such adjustment is consistent with the intent of this Article.
  - (7) **Installation.** All landscaping required under this Section shall be installed consistent with Village standard specifications and industry accepted standards and shall be guaranteed by the applicant or the applicant's contractor for three years. Street terrace trees shall be balled and burlapped. All landscape beds shall be edged in accordance with industry best practices. Installation shall occur prior to occupancy or commencement of operations, unless doing so would result in unsatisfactory plant survival. In this case, landscaping shall be installed within six months of occupancy or commencement of operations, and the Village may require a performance guarantee, such as a bond, cash deposit or letter of credit, before a permit or certificate for building occupancy is granted and until such landscaping is installed according to plan.
    - (a) A single tree species may not exceed twenty percent (20%) of all the tree species proposed to be planted on a single site.
  - (8) **Maintenance.** Landscaping required by this Section is intended to be a permanent site improvement. As such, all landscaping shall be continually maintained in a live state. Maintenance shall include periodic and timely watering, irrigation where necessary, replenishment of mulch, weeding, fertilizing, pruning and any other such normally required horticulture activity necessary to keep all landscaping in a healthy, safe and aesthetically pleasing state. Recognizing that over time plants may mature and die or otherwise expire because of natural or unnatural causes; maintenance shall also include the removal and replacement of dead or dying plants. Such replacement shall occur within the same year in which a plant dies or in the spring planting season of the following year. Landscaping shall also be subject to applicable maintenance standards with Section 50.102 of the Code.
  - (9) **Location in Utility Easements.** Planting in utility easements is at the risk of the property owner. Any plants that must be removed because of utility work within such easements shall be replaced by the property owner at his or her cost.

[Amended via Ord. No 17-006, 4/19/2017]

### **Section 94.11.03 Lawn Care, Alternative Groundcover, and the Preservation of Topography**

- (1) **Lawn Care and Alternative Groundcover.** Care of lawns, gardens, and natural areas shall comply with the requirements of Section 50.102(h) of the Code

**(2) Preservation of Topography.**

- (a) With development of any land, effort shall be maintained to preserve pre-existing topography to the extent practical and consistent with safe, efficient, and attractive land development.
- (b) No structure shall be built that would alter the existing drainage or topography in any way as to adversely affect the adjoining property(ies).
- (c) In no case shall any slope exceed the normal angle of slippage of the material involved.
- (d) No change in existing topography shall be made that would result in increasing the slope of any land within a distance of 20 feet from a property line to a ratio greater than four horizontal to one vertical (maximum 4:1 slope).

SECTION 2: The amendments effectuated by this Ordinance shall apply within the municipal limits of the Village and within its extraterritorial zoning jurisdiction in the Town of Weston.


SECTION 3: SEVERABILITY. If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby. If an application of this Ordinance to a particular structure, land, or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land, or water not specifically included in said judgment. If any requirement or limitation attached to an authorization given under this Ordinance is found invalid, it shall be presumed that the authorization would not have been granted without the requirement or limitation and, therefore, said authorization shall also be invalid. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 5: EFFECTIVE DATE. This ordinance shall take effect upon approval and publication.


Dated the 21 day of Dec., 2020

WESTON VILLAGE BOARD

By:

  
Mark Maloney, its President

Attest:

  
Sherry Weinkauff, its Clerk

APPROVED: 12/21/20

PUBLISHED: 12/23/2020

## Notice of Newly Enacted Ordinances

Please take notice that the Village Board of Weston, Wisconsin enacted on December 21, 2020, the following Ordinances:

1. Ordinance No. 20-014: An Ordinance to Approve the Rezoning of 13.83 Acres Along State Highway 29 Between Zinser St and Progress Way from AR Agriculture and Residential to LI Limited Industrial.
2. Ordinance No. 20-015: An Ordinance to Amend Sections 94.13.02(9) Special Exceptions.
3. Ordinance No. 20-016: An Ordinance to Amend Section 94.11 within Chapter 94 of the Municipal Code, Affecting Landscaping Standards.
4. Ordinance No. 20-017: An Ordinance to Adopt Components of the Village's Comprehensive Plan; Consisting of Amendments to the Future Land Use Map Found in Map 3-1 in Volume 2: Vision and Direction.

The full text of Ordinances may be obtained at the office of the Village Clerk, 5500 Schofield Avenue, Weston, Wisconsin or through the Village's website at <http://www.westonwi.gov/499/Adopted-Ordinances>.

Dated this 21st day of December 2020.  
Sherry Weinkauff, Village Clerk

Published: 12/23/2020